

4VAC50-80-10. Definitions.

RAP Discussion Draft

December 13, 2012

The source citations for each term are provided in the parentheses following the definition. The links to these sources are as follows:

- 4VAC50-60-10: [Definitions](#) from the VSMP Permit Regulation.
- ACT: § [10.1-603.15:1](#) of the Code of Virginia.
- MS4 Amendment: [4VAC50-60 Proposed Regulation for MS4 Amendment](#). **Please note, this amendment is currently in the proposed stage and has not yet been adopted.**
- SNR Report: [Proposed Expansion of the Use of Nutrient Credits in Virginia pursuant to Senate Joint Resolution 334 \(2011\), Report of the Secretary of Natural Resources to the Governor and the General Assembly, January 2012](#).
- WRI Fact Sheet: [WRI Fact Sheet, Comparison Tables of State Nutrient Program in the Chesapeake Bay Watershed, Version I, May 2011](#).

4VAC50-80-10. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Act" means the Nutrient Trading Act, Article 1.1:1 (§ [10.1-603.15:1](#) et seq.) of Chapter 6 of Title 10.1 of the Code of Virginia.

"Additionality" means a concept in which credits sold by a nonpoint source to a point source must be the result of load reductions that would not have been made without the trade (i.e., they must be in addition to expected "no-trade" load reductions¹). (WRI Fact Sheet)

"Aggregator" means a public or private entity that packages and offers for sale credits from multiple practices or sources in one or more instruments for use by a credit buyer. (SNR Report)

"Applicant" means the person who submits an application to the department for credit certification pursuant to this chapter.

"Bank sponsor" means any public or private entity responsible for establishing, and in most circumstances, operating a nutrient bank. (based on Corps' Banking Instrument)

"Baseline" means the practices, actions, or levels of reductions that must be in place before credits can be generated. (SNR Report)

¹ Jones, C., L. Bacon, M.S. Keiser, and D. Sheridan. 2006. *Water-Quality Trading: A Guide for the Wastewater Community*. Water Environment Federation and Water Environment Research Foundation. New York: McGraw-Hill.

35 *BMP definitions from multiple sources:*

36 "Best management practice" or "BMP" means schedules of activities, prohibitions of
37 practices, maintenance procedures, and other management practices, including both
38 structural and nonstructural practices, to prevent or reduce the pollution of surface
39 waters and groundwater systems. (MS4 Amendment)

40 "Best management practice" or "BMP" means schedules of activities, prohibitions of
41 practices, including both structural and nonstructural practices, maintenance
42 procedures, and other management practices to prevent or reduce the pollution of
43 surface waters and groundwater systems from the impacts of land-disturbing activities.
44 (4VAC50-60-10)

45 "Best management practice," "practice," or "BMP" means a structural practice,
46 nonstructural practice, or other management practice used to prevent or reduce nutrient
47 loads reaching surface waters or the adverse effects thereof. (ACT)

48 "Best management practice," "practice," or "BMP" means methods, measures, or
49 practices determined to be the most reasonable and cost-effective means for
50 landowners to meet certain, generally nonpoint source pollution control needs. BMPs
51 include structural and nonstructural controls and operation and maintenance
52 procedures. (WRI Fact Sheet)

53 "Board" means the Virginia Soil and Water Conservation Board. (4VAC50-60-10)

54 "Bundling" means the packaging and offering for sale credits from multiple practices or
55 sources in one or more instruments. (based on aggregator definition in SNR Report)

56 "Delivered load" means the amount of pollutant delivered to the tidal waters of the
57 Chesapeake Bay or its tidal tributaries from an upstream point of discharge or runoff
58 after accounting for permanent reductions in pollutant loads due to natural in-stream
59 processes in nontidal rivers. (SNR Report)

60 "Department" means the Department of Conservation and Recreation. (ACT)

61 *HUC definition is proposed to be revised for the MS4 Amendment. Current and*
62 *proposed definitions are:*

63 "Hydrologic Unit Code" or "HUC" means a watershed unit established in the most recent
64 version of Virginia's 6th Order National Watershed Boundary Dataset. (4VAC50-60-10)

65 "Hydrologic Unit Code" or "HUC" means a watershed unit established in the most recent
66 version of Virginia's 6th Order National Watershed Boundary Dataset unless specifically
67 identified as another order. (MS4 Amendment)

"MS4" means a municipal separate storm sewer system. (ACT)

"Municipal separate storm sewer system" or "MS4" means all separate storm sewers that are defined as "large" or "medium" or "small" municipal separate storm sewer systems or designated under 4VAC50-60-380 A 1. (4VAC50-60-10)

Do we need nonpoint source pollution definition? See 4VAC50-60-10 for example

"Nutrient bank" means a private or public entity that creates and sells or brokers sale of credits. (SNR Report)

"Nutrient credit" or "credit" means a nutrient reduction that is certified pursuant to this chapter and expressed in pounds of phosphorus or nitrogen either (i) delivered to tidal waters when the credit is generated within the Chesapeake Bay Watershed or (ii) as otherwise specified when generated in the Southern Rivers watersheds. (ACT)

"Perpetual Credits" mean nutrient reduction actions that are a permanent reduction from baseline dates and conditions. (SNR Report)

"Person" means any individual, corporation, partnership, association, state, municipality, commission, or political subdivision of a state, governmental body, including a federal, state, or local entity as applicable, any interstate body or any other legal entity. (4VAC50-60-10)

"Registry" means the online Virginia Nutrient Credit Registry Virginia Nutrient Credit established and maintained by the Department in accordance with subsection C of § 10.1-603.15:2 of the Code of Virginia. (based on ACT)

"Site" means the physical location where the nutrient bank credits have been established and issued in accordance with this chapter.

"Term credit" means nutrient reduction activities that generate credits for a determined and finite period of at least one year. (SNR Report)

"Total maximum daily load" or "TMDL" means the sum of the individual wasteload allocations for point sources, load allocations (LAs) for nonpoint sources, natural background loading and a margin of safety. TMDLs can be expressed in terms of either mass per time, toxicity, or other appropriate measure. The TMDL process provides for point versus nonpoint source trade-offs. (4VAC50-60-10)

"Tributary" means those river basins for which separate tributary strategies were prepared pursuant to § [2.2-218](#) of the Code of Virginia and includes the Potomac, Rappahannock, York, and James River Basins, and the Eastern Coastal Basin, which encompasses the creeks and rivers of the Eastern Shore of Virginia that are west of Route 13 and drain into the Chesapeake Bay. For areas outside of the Chesapeake Bay

102 Watershed, "tributary" includes the following watersheds: Albemarle Sound, Coastal;
103 Atlantic Ocean, Coastal; Big Sandy; Chowan; Clinch-Powell; New Holston (Upper
104 Tennessee); New River; Roanoke; and Yadkin. (based on § [10.1-603.8:1](#) of the Code of
105 Virginia)

106 *Definition options for VSMP below:*

107 "Virginia Stormwater Management Program" or "VSMP" means the Virginia program for
108 issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing
109 permits, and imposing and enforcing requirements pursuant to 4VAC50-60. (4VAC50-
110 60-10)

111 "Virginia Stormwater Management Program" or "VSMP" has the same meaning as in §
112 10.1-603.2 and includes, until July 1, 2014, any locality that has adopted a local
113 stormwater management program. (§[10.1-603.8:1](#))

114 "Watershed Implementation Plan" or "WIP" means the Phase I WIP strategy submitted
115 by Virginia and approved by EPA in December 2010 to meet the nutrient and sediment
116 allocations prescribed in the Chesapeake Bay Watershed TMDL. (SNR Report)